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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 (SAN JOSE DIVISION)
12

13 SENTIUS INTERNATIONAL, LLC,
14 Plaintiff,
15 v.
16 MICROSOFT CORPORATION,
17 Defendant.

Case No. 5:13-cv-00825 PSG

**DECLARATION OF JONATHAN J.
LAMBERSON IN SUPPORT OF
DEFENDANT MICROSOFT
CORPORATION'S
ADMINISTRATIVE MOTION TO
FILE UNDER SEAL**

18 AND RELATED COUNTERCLAIMS
19

20 I, Jonathan J. Lamberson, declare as follows:

21 1. I am a principal at the law firm of Fish & Richardson P.C., counsel of record in this
22 action for Defendant, Microsoft Corporation ("Microsoft"). I am a member of the Bar of the State
23 of California and of this Court. I have personal knowledge of the matters stated in this declaration
24 and would testify truthfully to them if called upon to do so.

25 2. As required under Civ. Local Rules 79-5(d)(1)(A) and 79-5(e), the basis for asserting
26 confidentiality and the grounds for filing under seal the document listed below are as follows:
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1 3. With respect to Exhibit A, this exhibit contains a detailed description of the structure,
2 function and operation of Microsoft's highly confidential source code for the accused features in the
3 accused Microsoft Office products. The structure, function and operation of Microsoft's source
4 code is proprietary and highly confidential. The public disclosure of the structure, function and
5 operation of Microsoft's source code would place Microsoft at a significant risk of harm from
6 competitors or others who may attempt to make unauthorized use of that code, or who may
7 potentially attempt to exploit vulnerabilities in that code, if any exist. The underlying source code,
8 as well as the report describing it, have been designated as Highly Confidential pursuant to the
9 Protective Order entered in this case. Microsoft's request is narrowly tailored to seal only those
10 portions of Exhibit A that discuss the structure, function and operation of its source code.

11 4. With respect to Exhibits D & E, these are copies of deposition transcripts which Sentius
12 designated Highly Confidential. Pursuant to Civil Local Rule 79-5(e), Microsoft expects that
13 Sentius will submit a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the
14 designated materials is sealable, or alternatively that it will withdraw the designations.

15 5. With respect to Exhibit N, this exhibit contains a detailed description of the structure,
16 function and operation of Microsoft's highly confidential source code for the accused features in the
17 accused Microsoft Office products. The structure, function and operation of Microsoft's source
18 code is proprietary and highly confidential. The public disclosure of the structure, function and
19 operation of Microsoft's source code would place Microsoft at a significant risk of harm from
20 competitors or others who may attempt to make unauthorized use of that code, or who may
21 potentially attempt to exploit vulnerabilities in that code, if any exist. The underlying source code,
22 as well as the report describing it, have been designated as Highly Confidential pursuant to the
23 Protective Order entered in this case. Microsoft's request is narrowly tailored to seal only those
24 portions of Exhibit A that discuss the structure, function and operation of its source code.

25 6. With respect to Exhibit P, Microsoft's request is narrowly tailored to include only the
26 following confidential information:
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1 (a) At pages 33-35, a discussion of a patent valuation produced by Sentius and
2 designated by Sentius as Highly Confidential. Pursuant to Civil Local Rule 79-5(e), Microsoft
3 expects that Sentius will submit a declaration as required by subsection 79-5(d)(1)(A) establishing
4 that all of the designated materials is sealable, or alternatively that it will withdraw the designations.

5 (b) At the bottom of page 35, the top of page 42, the top of page 90, pages 91-94,
6 109, 111-113, and 116, a discussion of highly confidential settlement agreements entered into
7 between Microsoft and various third parties. The terms of these settlement agreements are
8 confidential and disclosure of the terms would violate the agreements themselves and would
9 prejudice Microsoft by disclosing its confidential litigation and settlement strategies with respect to
10 these prior cases. The agreements were produced in the case and designated highly confidential
11 pursuant to the protective order.

12 (c) At pages 96-97, a discussion of confidential research studies and other
13 confidential internal Microsoft documentation regarding the accused features. The disclosure of
14 these internal discussions and investigations regarding the accused features would have the potential
15 to place Microsoft at a competitive disadvantage if disclosed to its competitors.

16 (d) At pages 104-105, 114, Exhibit 27 and Exhibit 31, a discussion of the sales
17 and profitability for the accused products. Microsoft does not publish sales figures or profitability
18 figures by product. These numbers were obtained from highly confidential internal sales
19 information produced during the litigation and designated highly confidential pursuant to the
20 Protective Order. The disclosure of this information has the potential to cause competitive
21 disadvantage should it become known to Microsoft's competitors.

22 7. With respect to Exhibit AE, this is a copy of a confidential settlement agreement
23 between Microsoft and a third party. The terms of these settlement agreements are confidential and
24 disclosure of the terms would violate the agreement itself and would prejudice Microsoft by
25 disclosing its confidential litigation and settlement strategies with respect to prior cases. The
26 agreement was produced in the case and designated highly confidential pursuant to the protective
27 order.
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8. With respect to Exhibit AF, this document contains a discussion of materials that Sentius designated Highly Confidential. Pursuant to Civil Local Rule 79-5(e), Microsoft expects that Sentius will submit a declaration as required by subsection 79-5(d)(1)(A) establishing that all of the designated materials is sealable, or alternatively that it will withdraw the designations.

9. With respect to Exhibit AI, this document contains a confidential research study Microsoft obtained regarding the accused features. The disclosure of this internal investigation regarding the accused features would have the potential to place Microsoft at a competitive disadvantage if disclosed to its competitors

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed at Redwood City, California this 2nd day of December, 2014.

s/ Jonathan J. Lamberson
Jonathan J. Lamberson

Additional Counsel

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